

STATE OF NEW YORK }
COUNTY OF WESTCHESTER } ss.:
CITY OF WHITE PLAINS }

I, the undersigned, City Clerk, of the City of White Plains, NY, do hereby certify that I have compared the proceeding with the original ordinance, adopted by the Common Council of the City of White Plains, NY, by a vote of the majority of the members of the Common Council at a Regular Stated Meeting, held the 7th July 2014 and I do hereby certify the same to be a correct transcript herefrom and of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of White Plains, NY, this 14th July 2014.



Anne M. McPherson, CMC
City Clerk, City of White Plains, NY

CERTIFIED COPY

of a(an)

ORDINANCE

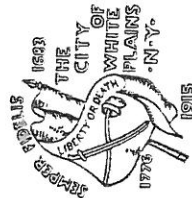
in relation to

Ordinance of the Common Council of the City of White Plains amending Title III of the White Plains Municipal Code entitled, "Air Pollution" by repealing Chapter 3-3 in its entirety and adopting Chapter 3-3 Sections 1 - 29.

CERTIFIED COPY

from the

CITY OF WHITE PLAINS
255 Main Street
White Plains, NY 10601



ADOPTED BY THE

COMMON COUNCIL

of the

CITY OF WHITE PLAINS

7th July 2014

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING
TITLE III OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED "AIR POLLUTION " BY
REPEALING CHAPTER 3-3 IN ITS ENTIRETY AND ADOPTING CHAPTER 3-3 SECTIONS 1-29.

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Title III, Chapter 3-3, of the White Plains Municipal Code, last amended by ordinance adopted June 7, 1971, is hereby repealed in its entirety.

Section 2. The White Plains Municipal Code is hereby amended by adding a new Title III, Chapter 3-3 to read as follows:

ARTICLE I

Sec. 3-3-1. - Short Title.

This chapter shall be known and may be cited as "White Plains Air Pollution Control Ordinance."

Sec. 3-3-2. - Statement of Purpose.

It is the purpose of this chapter to safeguard the air resources of the City of White Plains (the "City") from pollution by:

- (a) Controlling or abating existing air pollution;
- (b) Preventing new air pollution, under a program that shall be consistent with the declaration of policy stated in this chapter and in accordance with the provisions of this chapter; and
- (c) Regulating the burning of combustible fuels and certain solid combustible material.

Sec. 3-3-3. - Declaration of Policy.

It is declared to be the policy of the City to maintain a reasonable degree of purity of the air resources of the City, which shall be consistent with the public health and welfare and the public enjoyment thereof, the commercial and residential development of the City, the propagation and protection of flora and fauna, and the protection of physical property and other resources, and to that end to require the use of all available practical and useful methods to prevent and control air pollution in the City.

Nothing in this Ordinance shall relieve any filing required by State, County or Federal agencies.

Section 3-3-4. Definitions.

1. Air contaminant: Any particulate matter or any gas or any combination thereof, other than uncombined water vapor or natural air.

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2. AP-42: AP-42 means the United States Environmental Protection Agency publication AP-42, Compilation of Air Pollution Emissions factors. Volume I: Stationary Point and Area Sources (fifth edition 1995 or current active version thereof).
3. Area Source Facility: A facility that emits less than 10 tons a year of any single air toxin and less than 25 tons per year of any combination of air toxins. Most Boilers covered by the Area Source Rule are located in commercial and institutional facilities. Commercial Boilers include those found in office buildings, stores and malls, laundries, apartment buildings and hotels. Institutional Boilers are found in locations such as medical centers (hospital, nursing homes, etc.) and educational facilities.
4. Biodiesel: A fuel, designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American Society of Testing and Materials designation D 6751-09a or current active version thereof.
5. Bioheating fuel: A fuel comprised of Biodiesel blended with petroleum heating oil that meets the specifications of the American Society of Testing and Materials designation D 396-09a or other specifications as determined by the Commissioner.
6. Boiler: A closed vessel in which steam or hot water is generated under pressure by the application of heat from combustible fuels.
7. Burner: An apparatus for burning fuel that is used to heat a building, provide hot water to the occupants of a building, or for any other purpose.
8. BTU input: The quantity of heat generated by a fuel fed into a furnace under conditions of complete combustion, measured in British Thermal Units. BTU input includes sensible heat, calculated above sixty (60) degrees Fahrenheit available from materials introduced into the combustion zone.
9. Capacity rating: The fuel burning equipment manufacturer's guaranteed maximum BTU input rating in millions of BTU's per hour, or the maximum four-hour actual rate, whichever is higher.
10. Commissioner: The Commissioner of Building of the City of White Plains.
11. Control apparatus: Any device which prevents or controls the emission of any air contaminant.
12. Department: The Department of Building of the City of White Plains.
13. Equipment used in a manufacturing process: Equipment in which the preponderance of the air contaminant emitted is caused by the manufacturing process.
14. Excess air: The quantity of air which exceeds the theoretical quantity of air required for complete combustion.
15. Fuel: a material, such as coal, oil, wood or gas, that is burned to produce heat or power.

16. Fuel Oil #2: "#2 Oil" means fuel oil grade No. 2 as classified by American Society of Testing and Materials Standard D396-05 or current active version thereof and available for sale and purchase in the State of New York.
17. Fuel Oil #4: "#4 Oil" means fuel oil grade No. 4 as classified by American Society of Testing and Materials Standard D396-05 or current active version thereof and available for sale and purchase in the State of New York.
18. Fuel Oil #6: "#6 Oil" means fuel oil grade No. 6 as classified by American Society of Testing and Materials Standard D396-05 or current active version thereof and available for sale and purchase in the State of New York.
19. Heating Oil: Oil refined for the purpose of use as fuel for combustion in a heating system and that meets the specification of the American Society of Testing and Materials designation D396-09a or other specifications as determined by the Commissioner.
20. Major Source Facility: A facility that emits more than 10 tons a year of any single air toxin and 25 tons or more per year of any combination of air toxins. The majority of Major Source Boilers are located at industrial facilities such as refineries and manufacturing plants.
21. NOx: "Nox" means the pollutant Oxides of Nitrogen (NO), nitrogen dioxide (NO₂), and other oxides of nitrogen expressed as nitrogen dioxide.
22. Open air: All space outside of buildings, stacks, or exterior ducts.
23. Operating Certificate: "Operating Certificate" means a document issued by the Commissioner granting permission to operate equipment. Operating certificates shall be issued upon proof of inspection.
24. Particulate: any matter dispersed in the atmosphere, whether solid or liquid, in which the individual particles are larger than single molecules (about 0.0002 μ in diameter), but smaller than about 500 μ . Settleable particulates, or dustfall, is normally in the size range greater than 10 μ , and suspended particulates range below 10 μ in diameter.
25. PM: "PM" means the pollutant Particulate Matter that is the term for a mixture of solid particles and liquid droplets found in the air.
26. Process weight: The total weight of the materials introduced into any specific process including solid fuels charged, but excluding liquid and gaseous fuels, and combustion air.
27. Process weight per hour: The process weight divided by the number of hours from the beginning of any specific process to the completion of the process excluding any time during which the equipment used in the process is idle.
28. Professional certification: Certification of information or test results made in accordance with Section 7202(2) of the Education Law by a licensed professional engineer.

29. Residual fuel oil: The current definition of fuel oil grades No. 5 and 6 as classified by the American Society for Testing and Materials.
30. Solid fossil fuels: Anthracite, bituminous, sub-bituminous coal and coke, as currently defined by the American Society for Testing and Materials.
31. Standard smoke chart: The Ringelmann Chart, as published by the U. S. Bureau of Mines, photographically reduced in size for use in the field.
32. Work Permit: "Work Permit" means an installation or alteration permit issued by the Commissioner in accordance with the City of White Plains Municipal Code and the White Plains Supplemental Building Code.

Sec. 3-3-5. Construction.

This chapter is intended to be consistent with applicable federal, state and City law and shall be construed, whenever necessary, to achieve such consistency.

ARTICLE II

COMMISSIONER OF BUILDING

Sec. 3-3-6. General Powers.

Subject to the provisions of applicable law, the Commissioner may take such action as may be necessary to control the emission of an air contaminant which causes or may cause, by itself or in combination with other air contaminants in the open air, detriment to the safety, health, welfare or comfort of the public or to a part thereof, or damage to property or business.

Sec. 3-3-7. Applications for Operating Certificates and Renewals of Operating Certificates.

- (a) An application for an operating certificate or for the renewal of an operating certificate shall be made by the owner, the owner's agent, or lessee of the equipment or apparatus, on forms furnished by the Building Department.
- (b) A separate application is required for each unit of equipment or apparatus, unless identical units of equipment or apparatus are to be installed, altered or operated in an identical manner in the same building.
- (c) Each application shall be signed by the applicant, or certified by a licensed professional engineer, or a registered architect as to the accuracy of the technical information concerning the equipment or apparatus contained in the application, plans and other papers submitted. For the renewal of a certificate, the applicant's professional engineer

or architect shall certify that the equipment satisfies the provisions of this chapter. The signature of the applicant shall constitute an agreement that the applicant will assume responsibility for the installation, alteration or use of the equipment or apparatus concerned in accordance with the requirements of this chapter.

- (d) An application for the renewal of an operating certificate shall be postmarked or date stamped by the Department upon personal delivery, no later than ninety (90) days prior to the expiration of the certificate.
- (e) Per the City of White Plains Supplemental Building Code, the person who actually installs fuel burning equipment is required to obtain an installation permit, while under this chapter the owner or lessee of the equipment is also required to obtain an operating certificate. This is in addition to the installation permit required.

Sec. 3-3-8. Inspection and Samples.

- (a) The Department may inspect at any reasonable time and in a reasonable manner any burner, equipment, apparatus, device, or fuel, which affects or may affect the emission of air contaminant, including but not limited to the premises where the burner, equipment, apparatus, or fuel is used, or where the fuel is stored, purchased, sold, or offered for sale for use in the City.
- (b) The Department may inspect at any reasonable time in a reasonable manner any record relating to the use of any burner, equipment or apparatus which affects or may affect the emission of air contaminant, or relating to the use of fuel, or the distribution, storage or transportation of fuel for use in the City. Fuel information tickets may be inspected only during business hours.
- (c) If an authorized employee of the Department obtains a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminant during the course of an inspection, a receipt for the sample obtained shall be given to the owner, the owner's agent, or lessee of the equipment or fuel, prior to leaving the premises.
- (d) No person shall refuse entry or access into a public area, mechanical room, boiler room or utility space of a multiple dwelling or commercial facility nor shall any person refuse entry or access into any premises to an authorized employee of the Department who presents appropriate credentials when such entry or access is warranted for the purpose of inspecting any burner, equipment, apparatus, device, fuel, or record pursuant to subsection (a) or (b). In the event such request is refused the Commissioner shall have the power to apply to the courts to obtain an order, warrant, or other remedy to obtain such entry.

- (e) No person shall interfere with or obstruct the Commissioner or any departmental employee in carrying out any duty for the Commissioner.

Sec. 3-3-9. Testing by Order of the Commissioner.

- (a) If the Commissioner has reasonable cause to believe that any burner, equipment, apparatus, device or fuel is in violation of this chapter, the Commissioner may order the owner, the owner's agent, or lessee, of the equipment or fuel to conduct such tests as are necessary in the opinion of the Commissioner to determine whether the equipment, its operation, or the fuel is in violation of this chapter, or whether material used in any manufacturing process is contributing to any violation of this chapter, and to submit the test results to the Department within ten (10) days after the tests are completed.
- (b) Such test shall be conducted in a manner approved by the Commissioner. If any part of the test is conducted at a place other than the site where the burner, equipment, apparatus, device or fuel is located, that part of the test shall be performed by a certified testing laboratory. The entire test results shall be reviewed and certified by a New York State Professional Engineer.
- (c) The owner, the owner's agent, or lessee, shall notify the Department of the time and place of a test at least seven (7) days before the commencement of a test. Reasonable facilities shall be made available for the Department to witness the test.
- (d) If, in the opinion of the Commissioner, tests by the Department are necessary in addition to those conducted by the owner, the owner's agent, or lessee of the burner, equipment, apparatus, or device, the Commissioner may order the owner, the owner's agent, or lessee, to provide sampling holes at such points in the flue stack as the Commissioner may reasonably request, to provide a power source suitably close to the points of testing, and to make any other accommodations to facilitate the testing, exclusive of sampling and sensing devices. Such provisions shall be made at the expense of the owner, the owner's agent, or lessee of the burner, equipment, apparatus or device. The owner, agent, or lessee shall be furnished with copies of the analytical results of the samples collected.

ARTICLE III

FUEL STANDARDS

Sec. 3-3-10. Use of Proper Fuel in Fuel Burning Equipment.

- (a) No person shall cause or permit the use of a kind or grade of fuel in fuel burning equipment that is not designed to burn that kind or grade of fuel; and

- (b) No person shall cause or permit the burning of fuel oil #6 as classified by the American Society for Testing Materials after July 31, 2016, or the burning of fuel oil #4 as classified by the American Society for Testing Materials after June 30, 2020.

Sec. 3-3-11. Sulfur Content of Fuel.

No person shall sell, offer for sale, purchase, or fire any fuel which exceeds the applicable sulfur-in-fuel limitations established by the New York State Department of Environmental Conservation in 6 NYCRR SubPart 225-1.

Sec. 3-3-12. Biodiesel Content of Fuel.

- (a) After July 31, 2016, no person shall cause or permit the use in any building in the City or delivery to any building in the City for use in such building, heating oil that is fuel oil #2 or #4 containing less than (2) two percent biodiesel by volume. The provisions of this subdivision shall not apply to the use or delivery of heating oil for use in an emergency generator.
- (b) The Commissioner may authorize the use of any renewable fuel in heating systems if it is determined that such fuel meets an applicable American Society for Testing and Materials standard or other standard as determined by the Commissioner, and the emissions from such fuel contain equal or lesser amounts of sulfur dioxide, PM and NOx than the emissions from fuel oil #2.
- (c) The Commissioner may waive the requirements of paragraph (a) in accordance with the provisions of this subdivision. A waiver may be issued for a particular type of Boiler or Burner if the Commissioner finds that:
1. A sufficient quantity of bioheating fuel containing two (2) percent biodiesel is not available in the City for that Boiler or Burner type;
 2. The use of bioheating fuel would void the manufacturer's warranty for that Boiler or Burner type; or
 3. There is no applicable American Society of Testing and Materials standard or other standard as determined by the Commissioner to govern the specification of the bioheating fuel for purposes of receiving bids and enforcing contracts.

Sec. 3-3-13. Permits and Certificates of Operation for Boilers and Burners.

(a) Existing Boilers and Burners.

1. An owner who holds a valid Certificate of Operation for a Boiler and/or Burner that uses #4 oil may file an Amendment to convert the Boiler/and or Burner to use #2 oil and/or natural gas. An owner who holds a valid Certificate of Operation for a Boiler or Burner that uses #6 oil may file such an Amendment to convert the Boiler and/or Burner to use #2 oil, #4 oil and/or natural gas. An Amendment pursuant to this paragraph shall not require the replacement of a Boiler and/or Burner.
2. The Commissioner will not approve any Amendment for a previously issued work permit or Certificate of Operation to convert a Boiler and/or Burner from using #2 oil, #4 oil and/or natural gas to using #6 oil or from #2 oil and/or natural gas to using #4 oil.
3. Notwithstanding any other provision in this section, the Commissioner shall not issue a work permit or a Certificate of Operation for a Boiler and/or Burner that uses #2 oil, #4 oil, #6 oil and/or natural gas unless the PM and NOx emissions of such Boiler and/or Burner meets any binding emissions standard established by state and/or federal law or regulation.
4. The Commissioner may issue a renewal of a Certificate of Operation for a Boiler and/or Burner that uses #2 oil, #4 oil and/or natural gas in accordance with the White Plains Supplemental Building Code, Administration and Enforcement § (I)(1).

(b) New Installations.

1. No permits shall be issued for the new installation of a Boiler or Burner that uses #4 or #6 oil. All applications, submitted in accordance with the White Plains Supplemental Building Code, Administration and Enforcement § (I)(1), for a work permit for a Boiler and/or Burner must specify that the equipment uses #2 oil and/or natural gas.
2. In cases where a work permit has been issued prior to the effective date of these provisions for a Boiler and/or Burner that uses #4 oil, or #6 oil, but where a Certificate of Operation has not yet been issued, the owner of the equipment must file an Amendment specifying the use of #2 oil and/or natural gas.

(c) Sunset Provision.

Notwithstanding any other provision in this section, after June 30, 2020, all applications for a Certificate of Operation for a Boiler and/or Burner must specify that the equipment uses #2 oil and/or natural gas.

Sec. 3-3-14. Records of Shipments or Deliveries.

- (a) Persons selling fuels for use in the City shall maintain records of such sales of all fuel containing sulfur and shall make these records available for inspection by the Commissioner or duly authorized representative during normal business hours. The records shall contain the following information:
1. The date of shipment or delivery; and
 2. The address to which the fuel is delivered; and
 3. The quantity, kind or grade of fuel; and
 4. The percentage of sulfur by weight of the fuel; and
 5. Any additional information, evidence or documentation required by the Commissioner.
- (b) All records relating to the use of fuel, or the distribution, storage or transportation of fuel for use in the City shall be retained for not less than one year for inspection by the Department.

ARTICLE IV

EXEMPTION CERTIFICATE

Sec. 3-3-15. Sulfur Exemption Certificate.

A sulfur exemption certificate shall be considered by the Commissioner in conjunction with the installation or operating permit application. The provisions of this article concerning testing, action on applications, conditions of certificate, suspension or revocation and transfers shall be applicable to sulfur exemption certificates, temporary sulfur exemption certificates or a renewal of either.

- (a) The Commissioner may grant a certificate of exemption from the sulfur content restriction of Section 3-3-11 of this Code if the applicant proves to the satisfaction of the Commissioner that the fuel burning equipment is operated in such a manner and has such control apparatus as to continuously prevent the emission of any sulfur compound in an amount greater than that which would have been emitted from the fuel burning equipment in the absence of control apparatus and using fuel which complies with the sulfur content restriction permitted by Section 3-3-11.
- (b) The Commissioner may grant a temporary sulfur exemption certificate if the applicant proves to the satisfaction of the Commissioner that the application is for the purpose of conducting an experimental operation prior to application for a sulfur exemption certificate.
- (c) If a sulfur exemption certificate or a temporary sulfur exemption certificate is granted, the Commissioner shall require the installation of an air contaminant recorder capable of continuously recording emissions of sulfur compounds. The holder of the certificate shall be

required to submit the record made by the air contaminant recorder to the Department every three months. The installation shall be made at the expense of the holder of the certificate.

Sec. 3-3-16. Information Required on Applications for Sulfur Exemption Certificates.

An application to obtain a sulfur exemption certificate shall describe in detail the following:

- (a) The kind and amount of fuel for which the sulfur exemption certificate is sought; and
- (b) The location of the fuel burning equipment;
- (c) The manner of operation of the fuel burning equipment; and
- (d) Any additional information, evidence or documentation which may be required by the Commissioner.

An exemption certificate shall expire 12 months after issuance unless renewed in writing by the Commissioner. However, a sulfur exemption certificate shall become void in the event the record, made by the air contaminant recorder in accordance with Section 3-3-15, indicates that any sulfur compound is emitted in an amount greater than permitted by Section 3-3-11.

Sec. 3-3-17. Testing Before Granting or Renewing Sulfur Exemption Certificates.

- (a) Before a sulfur exemption certificate is granted or renewed, the Commissioner may require the applicant to conduct such tests as are necessary in the opinion of the Commissioner to determine the kind or amount of air contaminant emitted from the equipment or to determine whether the equipment or apparatus, its operation, or the fuel or material used is contributing to or is in violation of this chapter. The tests shall be made at the expense of the applicant.
- (b) Such tests shall be conducted, reviewed and certified as provided by Section 3-3-9 of this Code. The applicant shall notify the Department of the time and place of a test as provided by Section 3-3-9 of this Code. Reasonable facilities shall be made available for the Department to witness the test.
- (c) If in the opinion of the Commissioner tests by the Department are necessary, the facilities for such tests, exclusive of sampling and sensory devices, shall be furnished by and at the expense of the owner, the owner's agent, or lessee, as provided by Section 3-3-9 of this Code.

Sec. 3-3-18. Operating Certificate Exception.

An operating certificate is not required for fuel burning equipment, which is in a building to be demolished to permit the construction of a new building if:

- (a) The new building application has been approved by the Department of Building; and
- (b) Certificates of eviction have been issued by the state office of rent control, where required; and
- (c) A final order for eviction has been issued.

Sec. 3-3-19. Expiration and Renewal of Exemption Certificates.

- (a) A sulfur exemption certificate shall be valid for one year from the date granted or renewed, unless sooner suspended or revoked. Application for renewal shall be made by the holder of the certificate, and shall be postmarked or date stamped by the Department on personal delivery no later than ninety (90) days prior to the expiration of the certificate. The Commissioner may renew a sulfur exemption certificate if he is satisfied that the provisions of this chapter and the conditions and terms contained in the certificate will be met.
- (b) A temporary sulfur exemption certificate shall be valid for three (3) months from the date granted or renewed, unless sooner suspended or revoked. The Commissioner may not renew a temporary certificate more than once and then only upon application postmarked or Department date stamped no later than fourteen (14) days prior to the expiration of the original temporary certificate.

ARTICLE V

EMISSION STANDARDS

Sec. 3-3-20. Jurisdiction.

This article broadens the jurisdiction of the Department with respect to the emission of air contaminants. The provisions of this article apply to the emission into the air space over the City of air contaminants from sources outside of, as well as from sources within, the City. Thus, it is a violation of this chapter to emit air contaminants if such contaminants exceed the density or opacity standards after the plume crosses the jurisdictional boundary of the City, or if such contaminants detrimentally affect the safety, health, welfare or comfort of any inhabitants of the City, or cause damage to property or business in this City. The prohibited act, the emission, is explicitly defined as the dispersion into the open air of the City of air contaminant, the geographic location of the place of emission is not a factor in defining the violation.

Sec. 3-3-21. Visible Emissions Monitoring, EPA Method 9, Visual Opacity (40 CFR Part 60 Appendix A-4):

- (a) No person shall cause or permit the emission of an air contaminant of:
 - 1. A density which appears as dark or darker than number 2 on the standard smoke chart or of an opacity which obscures vision to a degree equal to or greater than smoke number 2 density on the standard smoke chart; or
 - 2. A density which appears as dark or darker than number 1 on the standard smoke chart, but less than number 2 on said chart, or of such opacity as to obscure vision to a degree

equal to or greater than smoke of number 1 density of the standard smoke chart, but less than number 2 on said chart, if such an emission continues for longer than two minutes in the aggregate in any sixty minute period.

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except:

1. When the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission or
2. In the case of air contaminant emitted from a source outside of the City, it shall be measured after the plume crosses the jurisdictional boundary of the City.

Sec. 3-3-22. Visible Emissions Monitoring, EPA Method 22, Fugative Emissions (40 CFR Part 60 Appendix A-7):

(a) The owner or operator shall conduct 10 minute observations (during normal operation) each operating day the affected facility fires fuel for which an opacity standard is applicable using Method 22 of appendix A-7 of Part 60 and demonstrate that the sum of the occurrences of any visible emissions is not in excess of 5 percent of the observation period (i.e., 30 seconds per 10 minute period). If the sum of the occurrence of any visible emissions is greater than 30 seconds during the initial 10 minute observation, immediately conduct a 30 minute observation. If the sum of the occurrence of visible emissions is greater than 5 percent of the observation period (i.e., 90 seconds per 30 minute period), the owner or operator shall either document and adjust the operation of the facility and demonstrate within 24 hours that the sum of the occurrence of visible emissions is equal to or less than 5 percent during a 30 minute observation (i.e., 90 seconds) or conduct a new Method 9 of appendix A-4 of Part 60 performance test using the procedures in paragraph (a) of this section within 45 calendar days according to the requirements in §60.45c(a)(8).

(b) If no visible emissions are observed for 10 operating days during which an opacity standard is applicable, observations can be reduced to once every 7 operating days during which an opacity standard is applicable. If any visible emissions are observed, daily observations shall be resumed.

Sec. 3-3-23. Sulfur Compounds from Equipment Used in a Manufacturing Process; Volume Standard.

No person shall cause or permit the emission of air contaminant from equipment used in a manufacturing process if the air contaminant emitted as measured in the flue contains sulfur compounds, calculated as sulfur dioxide, of more than five hundred(500) parts per million.

Sec. 3-3-24. Emission of Particulate Matter from Fuel Burning Equipment or Equipment Used in a Manufacturing Process; Weight-Rate Standard.

No person shall cause or permit the emission of particulate matter in excess of .30 pounds per million BTU heat input from any fuel burning equipment.

If two or more fuel burning units are connected to a single flue, the total capacity rating of all fuel burning units connected to the flue shall be the capacity rating for the purpose of computing the amount of particulate matter, which may be emitted. If a single fuel burning unit is connected to two or more flues the capacity rating of the single fuel burning unit shall be the capacity rating for the purpose of computing the amount of particulate matter, which may be emitted.

Sec. 3-3-25. Emission Standards for Stationary Combustion Equipment.

| <u>EPA EMISSION STANDARDS FOR STATIONARY COMBUSTION EQUIPMENT</u> | |
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| <u>Regulatory Citation</u> | <u>Emission Standards</u> |
| <u>40 C.F.R. Part 60 Subpart Dc</u> | <u>SO₂, PM and opacity emissions standards applicable to steam generating units that commenced construction, modification or reconstruction, after June 19, 1989 having a heat input capacity of 100 MMBtu/hr or less, but greater than or equal to 10 MMBtu/hr.</u> |
| <u>40 C.F.R. Part 60 Subpart GG</u> | <u>SO₂ and NO_x emissions standards applicable to stationary gas turbines that commenced construction, modification or reconstruction after October 3, 1977 having a heat input at peak load greater than 10 MMBtu/hr.</u> |
| <u>40 C.F.R. Part 63 Subpart JJJJJ</u> | <u>Filterable PM, mercury and CO emission limits applicable to certain categories of industrial, commercial, and institutional boilers located at facility designated as an area source of hazardous air pollutants.</u> |
| <u>6 NYCRR Part 211</u> | <u>General prohibition for limiting opacity emitted from any source of air pollution.</u> |
| <u>6 NYCRR Part 225-1</u> | <u>Limitations on sulfur content in fuels used in combustion sources.</u> |
| <u>6 NYCRR Part 227-1</u> | <u>PM and opacity emissions applicable to</u> |

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| | <u>combustion sources.</u> |
| <u>6 NYCRR Part 227-2</u> | <u>NOx emissions limits applicable to combustion sources located at a facility designated as a major source of NOx emissions.</u> |

Sec. 3-3-26. Emission of Air Contaminant; Concealment and Masking Restricted.

- (a) No person shall cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant, which would otherwise violate Sections 3-3-20 through 3-3-22 of this Code.
- (b) No person shall cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant, which causes or may cause detriment to the health, safety or welfare of any person.

Sec 3-3-27 Burning of Solid Combustible Material.

No person shall cause or permit the burning of any fuel or combustible material in a fireplace, fireplace insert, or wood burning stove other than clean, dry, untreated wood or wood related products or other products listed in the manufacturers literature as being approved for use in the specific appliance.

ARTICLE VI

APPEALS AND PENALTIES

Sec. 3-3-28. Appeal of Commissioner's Action.

- (a) When the Commissioner suspends or revokes an operating certificate or a sulfur exemption certificate the holder of the certificate or other aggrieved party affected thereby may request a hearing by the Commissioner to reconsider the action. The request for a hearing shall be served within five (5) days following the service of the notice of suspension or revocation, exclusive of the day of service, upon an employee of the Department designated for this purpose.
- (b) The request for a hearing shall be addressed to the Commissioner and shall contain:
 - 1. The full name of the person making the request, and if the person making the request is not the holder of the certificate, a statement as to the relationship to the holder of the certificate;
 - 2. The location of the equipment or apparatus listed in the certificate to which the request relates;

3. The date of the issuance of the operating certificate or sulfur exemption certificate;
4. The date of the action taken by the Commissioner and the nature of the action;
5. A statement that a hearing by the Commissioner to reconsider the action is requested; and
6. The signature of the person making the request, or if such person is not an individual, the signature and title of a partner or other individual of the partnership or group, or of an officer of the corporation.
7. The person making the request may submit a memorandum containing the objections to the action of the Commissioner within three (3) days following service of the request of a hearing exclusive of the day of service.
8. Unless the Commissioner orders that the operating certificate be suspended or revoked during the pendency of the hearing, such suspension or revocation shall be stayed by the effective service of a notice for reconsideration until final determination by the Commissioner.

Sec. 3-3-29. Penalty for Violations.

- (a) Except as otherwise provided, any person violating any of the provisions of this chapter shall be guilty of a violation, and on the first conviction thereof shall be subject to a fine up to twenty-five hundred dollars (\$2,500.00) a day for each offense, or to imprisonment for a period not to exceed 15 days for each offense, or to both such fine and imprisonment for each such offense.
- (b) In addition to the penalties provided above, in each instance where the Commissioner has issued an order directing the taking of preventative and/or corrective measures pursuant to this chapter, any person who is convicted of failing to comply with such order within the time fixed by such order shall be subject to an additional penalty not to exceed five hundred dollars (\$500.00) for each day during which such offense continues, commencing on the first day after the expiration of the time fixed by the order of the Commissioner.

Section 3. This ordinance shall take effect August 1, 2014.